

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

MARTHA NAYLOR

PLAINTIFF

v.

CASE NO.: 3:19-cv-903 DPJ-FKB

**HYUNDAI CAPITAL AMERICA, INC.
d/b/a HYUNDAI MOTOR FINANCE**

DEFENDANT

JOINT MOTION TO STAY CASE AND COMPEL ARBITRATION

Plaintiff Martha Naylor (“Plaintiff”) and Defendant Hyundai Capital America doing business as Hyundai Motors Finance (“Hyundai” or “Defendant”) (collectively, the “Parties”), by and through their respective undersigned counsel, jointly move this Court for entry of an Order staying the above-captioned case pending the outcome of arbitration of this dispute before an agreed arbitrator, and to compel arbitration. In support of this motion, the Parties state as follows:

1. On December 9, 2019, Plaintiff initiated the instant lawsuit against Hyundai alleging claims under the Telephone Consumer Protection Act. *See* ECF No. 1

2. Pursuant to the Parties’ Agreement, either party may request that any dispute be resolved through binding arbitration with the American Arbitration Association. A true and correct copy of the Arbitration Agreement is attached herein as **Exhibit A**.

3. After consulting with their respective counsel, the Parties have agreed to submit Plaintiff’s disputes to arbitration pursuant to the Sale Contract.

4. The Parties therefore respectfully request that the Court enter an order staying this litigation pending the outcome of the arbitration and compelling the Plaintiff’s claims to arbitration.

5. The Parties will provide an update to the Court about the status of the matter within fifteen (15) days of the conclusion of the arbitration.

WHEREFORE, Plaintiff Martha Naylor and Defendant Hyundai Capital America, Inc. respectfully request entry of an Order staying the above-captioned matter pending the outcome of the Parties' arbitration of their dispute.

Dated this 17th day of April, 2020.

Respectfully Submitted,

HYUNDAI CAPITAL AMERICA, INC.

s/G. Dewey Hembree, III
Attorney of Record

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MARTHA NAYLOR

s/Rocky Wilkins
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 17, 2020, a true and correct copy of the foregoing was served electronically using the Court's CM/ECF system on all registered users of the CM/ECF system who have filed a notice of appearance, including the following counsel:

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